

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KEIAIRA BROCKWELL, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANTHONY DONIQUE CLAY,

Respondent-Appellant

and

ANGIE RAMOS,

Respondent.

UNPUBLISHED

March 10, 2005

No. 258383

Jackson Circuit Court

Family Division

LC No. 03-002643-NA

Before: Murray, P.J., and Markey and O'Connell, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (3)(g), (3)(j), (3)(h), and (3)(n). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, respondent-appellant challenges only the trial court's determination regarding the child's best interests. The evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 364-365; 612 NW2d 407 (2000). Respondent-appellant has been incarcerated in prison since 1997 and is currently serving a sentence of 10 to 30 years for second-degree murder. Respondent-appellant has failed to provide a nurturing and stable environment for his minor daughter during his incarceration. The daughter was born on October 10, 1992, and primarily spent her early childhood living with her mother and maternal grandmother. The record reflects that she only made occasional visits to the home of respondent-appellant, his fiancée, and their children before 1997. Since respondent-appellant's incarceration, the mother's rights have been terminated without appellate challenge, and his daughter has only visited him in prison once. Although respondent-appellant's earliest release date is in September 2006, he has not shown any likelihood that he will be released on that date. Because terminating respondent-appellant's

rights is not clearly contrary to the child's best interests, the trial court did not err when it terminated respondent-appellant's parental rights to the child.

Affirmed.

/s/ Christopher M. Murray

/s/ Jane E. Markey

/s/ Peter D. O'Connell